

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1600 be amended to read as follows:

- 1 Page 1, line 16, reset in roman "state university".
- 2 Page 1, line 16, after "university" insert ", college, or junior
- 3 college".
- 4 Page 1, line 17, delete ", including a police officer whose employer"
- 5 and insert ".".
- 6 Page 2, delete line 1, begin a new line block indented and insert:
- 7 **"(13) A police officer whose employer purchases coverage**
- 8 **under section 4.5 of this chapter."**
- 9 Page 2, line 2, strike "(13)" and insert "(14)".
- 10 Page 2, line 8, strike "(14)" and insert "(15)".
- 11 Page 2, line 10, delete "(15)" and insert "(16)".
- 12 Page 2, line 18, after "(1)" insert "**with respect to a police officer,**".
- 13 Page 2, line 21, after "(2)" insert "**with respect to a firefighter,**".
- 14 Page 3, between lines 8 and 9, begin a new paragraph and insert:
- 15 "SECTION 4. IC 35-33-8-3.2 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A court
- 17 may admit a defendant to bail and impose any of the following
- 18 conditions to assure the defendant's appearance at any stage of the legal
- 19 proceedings, or, upon a showing of clear and convincing evidence that
- 20 the defendant poses a risk of physical danger to another person or the
- 21 community, to assure the public's physical safety:
- 22 (1) Require the defendant to:
- 23 (A) execute a bail bond with sufficient solvent sureties;
- 24 (B) deposit cash or securities in an amount equal to the bail;
- 25 (C) execute a bond secured by real estate in the county, where

thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail; or
(D) post a real estate bond.

The defendant must also pay the fee required by subsection (d).

(2) Require the defendant to execute a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail. If the defendant is convicted, the court may retain all or a part of the cash or securities to pay fines, costs, fees, and restitution, if ordered by the court. A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision the following:

- (A) Fines, costs, fees, and restitution as ordered by the court.
- (B) Publicly paid costs of representation that shall be disposed of in accordance with subsection (b).
- (C) In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution.

(D) The fee required by subsection (d).

The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

(3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.

(4) Require the defendant to refrain from any direct or indirect contact with an individual.

(5) Place the defendant under the reasonable supervision of a probation officer or other appropriate public official.

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

- (A) the state presents evidence relevant to a risk by the defendant:
 - (i) of nonappearance; or
 - (ii) to the physical safety of the public; and
- (B) the court finds by a preponderance of the evidence that the risk exists.

(8) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed, or the defendant is acquitted or convicted of the charges.

(d) Except as provided in subsection (e), the clerk of the court shall:

(1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and

(2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the public employees' retirement fund for deposit in the the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).

~~(d)~~ **(e)** With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day **and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.**

~~(e)~~ **(f)** When a court imposes a condition of bail described in subsection (a)(4):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk."

- 1 Page 3, line 16, after "(1)" insert "**with respect to a police officer,**".
- 2 Page 3, line 19, after "(2)" insert "**with respect to a firefighter,**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1600 as printed February 11, 2005.)

Representative Ruppel